

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:
Ramiro Arrez et al.

Serial No.: 10/081,654

Filed: February 22, 2002

Examiner: Sang K. Kim .

Art Unit: 3654

For: RETRACTABLE LIFTER FOR REFUSE

CONTAINER

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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NAME: Francisca M.A. Hubbard

(TYPED OR PRINTED)

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, Applicants hereby call the Examiner's attention to documents listed on the attached forms, which documents may be material to the examination of this application. Copies of these documents are enclosed herewith for the Examiner's consideration.

No inference should be drawn that any apparatus disclosed is equivalent to the subject invention. Also, the citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in

existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicants also respectfully reserve the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the present patent application.

# ON SALE/PUBLIC USE

Applicant also wants to bring to the attention of the Examiner the facts of certain devices being on-sale and/or in public use more than one year to certain priority dates of the present application.

Specifically, the lifter substantially as illustrated in Figures 3-11 of U.S. Patent No. 6,503,045 was on-sale and/or in public use more than one year prior to the filing date of U.S. Provisional Application No. 60/271,860 filed on February 27, 2001, to which the present application claims a benefit. In other words, the lifter substantially as illustrated in Figures

3-11 of U.S. Patent No. 6,503,045 was on-sale and/or in public use prior to February 27, 2000.

In addition, the Perkins Model D6080 lifter, as shown and described in the brochure "The Original Rotary Tuckaway," was on sale and/or in public use more than one year prior to the filing date of U.S. Provisional Application No. 60/170,204 filed on December 10, 1999, to which the present application also claims a benefit. In other words, the Perkins Model D6080 lifter, as shown and described in the brochure "The Original Rotary Tuckaway," was on sale and/or in public use prior to December 10, 1998.

It is believed that no additional fee is required for the submission of this Information Disclosure Statement. However, should an additional fee be required, authorization is hereby given to charge Deposit Account 50-1039.

Date: July 28, 2004

Respectfully submitted,

Gary W. McFarron

Registration No. 27,357

COOK, ALEX, MCFARRON, MANZO,

CUMMINGS & MEHLER, LTD.

200 West Adams Street - #2850

Chicago, IL 60606

(312) 236-8500

Serial No. Attorney Docket 10/081,654 0343-0007.01 LIST OF PUBLICATIONS O POPRED BY APPLICANT Title: RETRACTABLE LIFTER Applicant: FOR REFUSE CONTAINER Ramiro Arrez et al. JUL 2 8 2004 Filing Date: Group: 3654 February 22, 2002 U.S. PATENT DOCUMENTS SUB-FILING DOCUMENT \*EXAMINER CLASS DATE CLASS DATE NAME INITIAL NUMBER J. Galuska 11-27-23 1,475,483 1,763,499 06-10-30 R. S. Bolger J. R. Nolan 3,040,919 06-26-62 Erlinder et al. 3,136,436 06-09-64 3,170,580 02-23-65 Victor G. Soyko E. R. Breault 3,270,902 09-06-66 M. J. Evers 3,279,633 10-18-66 3,327,876 B. M. Kolling 06-27-67 06-23-70 J.W. Knight 3,516,562 T. Cline 3,576,215 04-27-71 de Cordova et al. 3,576,265 04-27-71 Herpich 3,730,365 05-01-73 3,762,586 10-02-73 Updike, Jr. 11-20-73 Blakeley et al. 3,773,197 Evans, Jr. 3,822,802 07-09-74 3,837,512 09-24-74 Brown 10-15-74 Ebeling et al. 3,841,508 Blakeley et al. 3,844,434 10-29-74 Sink, Sr. 3,861,547 01-21-75 08-26-75 Pettit 3,901,255 Ebeling et al. 3,944,092 03-16-76 Stedman 3,954,194 05-04-76 Werder 3,964,624 06-22-76 3,987,999 09-07-76 Ryder FOREIGN PATENT DOCUMENTS SUB-FILING DOCUMENT CLASS DATE CLASS DATE NAME NUMBER OTHER PUBLICATIONS (Including Author, Title, Date, Pertinent Pages) DATE CONSIDERED: **EXAMINER:** Douglas A. Hess \*EXAMINER: Initial if citation considered, whether or not citation is in with MPEP form. Draw line through citation if not in conformance conformance and not considered. Include a copy of this form with the next communication to applicant.

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#### Serial No. Attorney Docket 10/081,654 0343-0007.01 LIST OF PUBLICATIONS HED BY APPLICANT Title: RETRACTABLE Applicant: Ramiro Arrez et al. LIFTER FOR REFUSE CONTAINER Filing Date: Group: 3654 February 22, 2002 U.S. PATENT DOCUMENTS SUB-FILING DOCUMENT \*EXAMINER CLASS CLASS DATE DATE NAME INITIAL NUMBER J. P. Miller 3,211,312 10-12-65 12-10-68 M. Naddell 3,415,169 G.E. Urban et al. 3,147,870 09-08-64 W. A. Beasley 2,824,658 02 - 25 - 5803-04-97 Zopf 5,607,277 H.E. Presnell 2,480,959 09-06-49 05-16-72 Herpich et al. 3,662,910 01-09-96 Smith et al. 5,482,180 03-19-02 Bayne 6,357,988 FOREIGN PATENT DOCUMENTS SUB-FILING DOCUMENT CLASS DATE CLASS DATE NAME NUMBER WO91/05721 05-02-91 John Stephen Stephen Holtom 02-06-92 WO92/01612 12-23-93 David Borwning WO93/25457 Jerald Zanzig WO94/21540 09-29-94 Friedrich Kampwerth EPO 078 011 04-05-83 Bergomi S.p.A. EPO 312 900 04-26-89 01-02-91 Georg, Edgar EPO 405 428 W. Abitz et al. DE1 226 035 09-29-66 SU1 253 892 (In Russian) DE2 051 270 10-19-70 Jackisch, W. R. Rougement BE 510235 04-15-52 Tomrer Svend et al DN 82300 06-28-54 2 080 757 A 02-10-82 V.I.B. S.r.l. (In Russian) SU 751794 Georg, Edgar W0 91/00231 01-10-91 DE 1531 763 Holmstrom, Karl 01-15-70 Josef OTHER PUBLICATIONS (Including Author, Title, Date, Pertinent Pages) DATE CONSIDERED: EXAMINER: Douglas A. Hess \*EXAMINER: Initial if citation considered, whether or not citation is in with MPEP form. Draw line through citation if not in conformance conformance and not considered.

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